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Counsel for the Board

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Thomas Lopardo

Alternate Board Members

Dennis Cardillo

Albert Colannino

Recording Secretary

Holli Stott

JOHNSTON ZONING BOARD OF REVIEW

100 Irons Avenue, Johnston, Rhode Island 02919

Tel: 401-231-4000 ext 4068 Fax: 401-231-4181**MINUTES****April 30, 2015**

The Zoning Board of Review held its monthly meeting on the 30th day of April, 2015 at 6:30 p.m., at the Johnston Senior Center, 1291 Hartford Avenue, Johnston, RI. All persons interested in the following proposals had been requested to be present at this time.

Present: Bernard Frezza, Chairman, Anthony Piloizzi, Vice-Chairman, Joseph Anzelone, Thomas Lopardo, Al Colannino, Dennis Cardillo and Richard Fascia. Also present: Frank Saccoccia, Esq., Holli Stott, Recording Secretary, Bernard Nascenzi, Zoning Official and Diane Edson, Stenographer.

Mr. Piloizzi made a motion to approve March's minutes. Mr. Anzelone seconded. A voice vote was taken; all in favor.

A. File 2015-18

LOCATION: 1304 Atwood Avenue
 OWNER: PES Management, LLC
 APPLICANT: Diane Whipple
 LOT: AP 44 — Lot 152; 7,040 sq. ft.; B-1 Zone
 EXISTING USE: Offices
 PROPOSAL: Offices with apartment upstairs

Special Use Variance petitioned under Article III § 340-8 Table of Use Regulations sections 14.1

Ms. Diane Whipple, owner, was sworn in and she explained to the board that she has owned the property for about two years and currently she is renting one unit out and the other unit will be her office and she would like to live upstairs. Mr. Piloizzi explained to Ms. Whipple that since she wants to change the use from a commercial to half commercial and half residential the taxes would take a loss for the town.

Mr. Piloizzi also explained that he witnessed moving trucks on a Sunday and TV's on in the evening time. Ms. Whipple explained that she had to move out of the Ledges due to her lease ending and had to move her stuff out at that time but claims she is not living there just her personal belongings are there and she is currently staying with her son.

Mr. Nascenzi explained that if approved the board can place any type of stipulation on the approval in case the property is ever sold the new owner would have to appear in front of the zoning board for approvals.

Mr. Frezza explained to the applicant that she has not proven any hardship for this property.

Denise Gesualdi, resident of the town, was sworn in and she asked if the town can split the tax rate half commercial and half residential. Mr. Nascenzi expressed that he does not handle taxes for the town and that would be up to the tax assessor.

Alfred DeAngelis, resident of the town, was sworn in and he questioned if the apartment is fire proofed according to building standards and Mr. Nascenzi said that if approved Ms. Whipple will have to comply with all current codes.

Mr. Piloizzi made a motion to deny. Mr. Cardillo seconded. A voice vote was taken; A voice vote was taken; all in favor.

B. File 2015-15-A

LOCATION: 23 Countryside Drive
 OWNER/ APPLICANT: James Baccala, Jr.
 LOT: AP 61 — Lot 6; 29.3 acres; R-40 Zone
 EXISTING USE: Residential
 PROPOSAL: Residential

Dimensional Variance petitioned under Article III § 340-9 Table of Dimensional Regulations

C. File 2015-15-B

LOCATION: 43 Countryside Drive
 OWNER/APPLICANT: Keith Pena
 LOT: AP 61 — Lot 235; 23,740 sq. ft.; R-40 Zone
 EXISTING USE: Residential
 PROPOSAL: Residential

Dimensional Variance petitioned under Article III § 340-9 Table of Dimensional Regulations

	DIMENSION	MINIMUM REQUIRED	PROPOSED	RELIEF REQUESTED
SETBACKS:	LOT SIZE	40,000 sq ft	23,470 sq ft	16,530 sq ft
	LOT FRONTAGE	140'	0'	140'
	LOT WIDTH	140'	0'	140'
	REAR YARD	75'	19'	56'
	RIGHT SIDE YARD	35'	5.6'	29.4'

D. File 2015-15-C

LOCATION: 21 Countryside Drive
 OWNER APPLICANT /: Alfreda L. Baccala
 LOT: AP 61 — Lot 249; 126,324 sq. ft.; R-40 Zone
 EXISTING USE: Residential
 PROPOSAL: Residential

Dimensional Variance petitioned under Article III § 340-9 Table of Dimensional Regulations

	DIMENSION	MINIMUM REQUIRED	PROPOSED	RELIEF REQUESTED
SETBACKS:	LOT FRONTAGE	140'	0'	140'
	LOT WIDTH	140'	0'	140'

Mr. James Baccala, applicant, was sworn in and he explained to the board that he will not be building any type of structures just moving lot lines to even off the lots that his family currently owns and to give Mr. Baccala sole rights over the “right-of-way” and he will maintain that area which he does now anyways. If approved this application has to go back in front of the planning board for final approvals.

Ms. Benance Antonelli, abutter, was sworn in and she just wanted to commend the board and Mr. Baccala for the amazing job that they do every meeting and Mr. Baccala for the maintenance of the property.

Mr. Fascia arrived and apologized to the board for being late and recused himself from voting on this application due to the fact that he was not present for the presentation.

Mr. Pilozzi made a motion to grant parcel A. Mr. Anzelone seconded. A voice vote was taken; all in favor.

Mr. Pilozzi made a motion to grant parcel B. Mr. Anzelone seconded. A voice vote was taken; all in favor.

Mr. Pilozzi made a motion to grant parcel C. Mr. Anzelone seconded. A voice vote was taken; all in favor.

D. File 2015-16

LOCATION: 1901 Plainfield Pike
 OWNER/ APPLICANT: Plainfield Pike Development, LLC
 LOT: AP 29 — Lot 53; 105,838 sq. ft.; B-2 Zone
 EXISTING USE: Auto repair facility
 PROPOSAL: 8,000 sq. ft. accessory structure

Special Use Variance petitioned under Article III § 340-8 Table of Use Regulations sections 9.7 and Article V § 340-25 Authorized departures from yard regulations section C
 Accessory Structures

Mr. Sanford Resnick, attorney for the applicant, was sworn in and he explained to the board that the owner would like to build an 8,000 sq. ft. building for storage of vehicles, stock, equipment and inventory and better for the work flow of the business. There will not be any painting of automobiles or auto body work. The building will be a pre-engineered steel building

Mr. Pilozzi made a motion to grant. Mr. Anzelone and Mr. Lopardo seconded. A voice vote was taken; all in favor.

E. File 2015-17

LOCATION: 539 Killingly Street
 OWNER: City Place, LLC
 APPLICANT: Bopha Chan

LOT: AP 13 — Lot 484; 10,450 sq. ft.; B-2 Zone

EXISTING USE: Vacant

PROPOSAL: Dog daycare and kennel

Special Use Variance petitioned under Article III § 340-8 Table of Use Regulations sections 14.1

Mr. Al Russo, attorney for the applicant, was sworn in and he explained to the board that his client, Bopha Chen would like to open a dog daycare and kennel at this location. Mr Russo introduced picture of the property into the record.

Mr. Pilozzi made a motion accept exhibit A. Mr. Anzelone seconded. A voice vote was taken; all in favor.

Ms. Bopha Chan, was sworn in and she explained that there will not be selling if any animals and no kennels will be placed outside. The play area will be in the front of the building, which will be fenced in. The dogs will be on the concrete and grass. All waste will be immediately tended to via the staff and discarded appropriately. Mrs. Chen would like to have 50 dogs per day.

Mr. Russo introduced a flyer from a local company for the board to look at. Mr. Pilozzi made a motion to accept exhibit B. Mr. Anzelone seconded. A voice vote was taken; all in favor.

Mr. Russo explained that instead of the dogs going outside in the front of the building, the owners agreed to place a fenced in area in the back of the building for them to run and play. If there are any dogs staying overnight there will be staff on to watch the dogs and pick up any waste if needed. The dogs will only be outside weather permitting and only until it gets dark out. Hours of operation will be 6 am to 8 pm and only 24 hours if there are dogs staying overnight. Any drainage situations will have to be approved by the town and DEM. The town has a zero tolerance policy for water run-off.

Mrs. Denise Gesualdi, abutter, was sworn in and she expressed her concerns to the applicant since her bedroom window faces Killingly street and the property in question. Mrs. Gesualdi will not tolerate any kind of smell or dogs barking. Ms. Chan agreed and understood her concerns.

Mr. Alfred DeAngelis, abutter, was sworn in and Ms. Chen explained the meaning of “daycare” to Mr. DeAngelis. Ms. Chen explained that she will only have 50 dogs for “day care” and much less for any dogs staying overnight with the appropriate amount of staff to tend to all the dogs staying.

Mrs. Denise Tomasso, abutter, was sworn in and she expressed her concerns that when people are dropping off and picking up their dogs where they are going to pull into and out of. Mr. Frezza explained that there is a separate entrance on the side of the building that will be much better than pulling up to the front of the business.

Mr. Michael Greico, owner of the property, was sworn in and he explained to the board that he will accommodate with and stipulations the board puts fourth. Ms. Chen will only be grooming overnight dogs and not walk-ins.

Mr. Pilozzi made a motion to approve with the stipulations of no more than 50 dogs, water run-off, DEM approvals, soundproofing and grooming only for overnight guests. Mr. Anzelone seconded. A voice vote was taken; Mr. Lopardo denied.

Mr. Anzelone made a motion to adjourn. Mr. Lopardo seconded. A voice vote was taken; all in favor.

Adjourn 8:21 p.m.